

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36655 of 2022

Arising Out of PS. Case No.-518 Year-2018 Thana- BIDUPUR District- Vaishali

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Kundan Singh @ Kundan Kumar @ Rajesh Kumar Son of Rambabu Singh
R/O Village- Gopalpur @ Gopalpur Chaknai, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Ms.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 518/2018, Excise (GR) No.5895/2018 registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, there is alleged recovery of
total 684 liters foreign liquor from Pick-up van. The local
Chowkidar disclosed the name of petitioner who fled away from
the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to monopoly of police. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Local Chowkidar disclosed the name of present petitioner who fled away from the place of occurrence. The petitioner was neither owner of the said Pick-up van nor driver of the said Pick-up van in question. He further submits that the petitioner has no concern with the seized liquor. The petitioner is languishing in custody since 25.03.2022 and bears criminal antecedent of seven cases in which three cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1 cum Additional District and Sessions Judge, Vaishali at Hajipur



in connection with Bidupur P.S. Case No. 518/2018, Excise (GR) No.5895/2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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